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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/014,104	12/11/2001	Paramvir Bahl	214678	5095

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EXAMINER

PHAM, BRENDA H

ART UNIT	PAPER NUMBER
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2664

DATE MAILED: 07/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/014,104

**Applicant(s)**

BAHL, PARAMVIR

**Examiner**

Brenda Pham

**Art Unit**

2664

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 11 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 14 and 15 is/are allowed.
- 6) ☒ Claim(s) 1,3-8,11-13 and 16 is/are rejected.
- 7) ☐ Claim(s) 2,9 and 10 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>2/04/3/05</u> | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

1. Claims 1-16 are pending in this application.

### ***Double Patenting***

2. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1, 3-8 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-3 of U.S. Patent 6,445,701 B1. Although the conflicting claims are not identical, they are not patentably distinct from each other because claims 1, 3-8 of the instant application merely broadens the scope of the claims 1-3 of the US Patent No. 6,445,701 by eliminating the elements and their functions of the claims. Therefore, claims 1, 3-8 of the instant applicant encompass the patented invention of claims 1-3 of the above patent.

Claims 1, 7, 8 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1, lines 13-30 of the above patent.

Claim 6 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 2, lines 40-50 of the above patent.

Claims 3-5, although US Patent 6,445,701 does not include limitation wherein the communication network comprises a wireless communication link, a local area network link a wire area network link, it would have been obvious to those having ordinary skill in the art at the time of the invention was made to implement the communication network in various network link.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 4-5, 7, 11-13,16 are rejected under 35 USC 102(e) as being anticipated by Dail et al (US 5, 953,344).

Claims 1, 7, 11-13 and 16, Dail et al discloses a method of allocating between multiple communication sources a communication channel in a communication network, the method comprising the steps of: dividing the communication channel into a plurality of frames (700, see figure 3); dividing each of frames (700) into a plurality of slots (STM 702, ATM 704); dividing a first one of the plurality of slot into a plurality of first mini-slots

Art Unit: 2664

(706, 708, 711-713) for use by the multiple communication sources to request the establishment of a new voice, data, or video transmission connection over the communication channel; and dividing a second one of the plurality of slots (ATM 704) into a plurality of second mini-slots (714, 716, 718, 720, 722) also for use by the multiple communication sources to request the establishment of a new voice, data or video transmission connection over the communication channel and for use by the multiple communication sources to augment an existing video connection over the communication channel.

Claims 4-5, Dail et al teach the method according to claim 1, wherein the communication network comprises a local area network link and a wide area network link (see figure 1).

Claim 8, Dail et al teach the method according to claim 1, further comprising the step of preventing the plurality of first mini-slots from being used by the multiple communication sources to augment existing video connection over the communication channel (slot 720 is reserved for VBR video data).

### ***Allowable Subject Matter***

5. Claims 14-15 are allowed.
6. Claims 2, 9, 10, objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

The prior art made of record does not teach or fairly suggest in combination the method according to claim 1, comprising the steps of: permitting a communication source of the multiple communication sources to use a mini-slot to request a static reservation of communication resources in the communication channel for a new video transmission connection over the communication channel while refusing to permit a communication source of the multiple communication sources to use a mini-slot to request a static reservation of communication resources in the communication channel for a new voice or data transmission connection over the communication channel; permitting a communication source of the multiple communication sources to use a mini-slot to request a dynamic reservation of communication resources in the communication channel for a new voice or data transmission connection over the communication channel.

The prior art further fails to teach or fairly suggest in combination the method according to claim 1, further comprising the step of: receiving a first request from one of the multiple communication sources to establish a new real-time voice transmission connection over the communication channel, wherein the first request identifies bandwidth requirements; receiving a second request from one of the multiple communication sources, before or after receiving the first request, to establish a new non-real-time data transmission connection or voice transmission connection over the communication channel, wherein the second request identifies bandwidth requirements;

Art Unit: 2664

and in response to the step of receiving, allocating the resources of the communication channel so that meeting the bandwidth requirements identified in the first request is given a higher priority than meeting the bandwidth requirements identified in the second request.

The prior art further fails to teach the method according to claim 1, further comprising the step of: receiving a first request from a first one of the multiple communication sources to establish a new real-time voice transmission connection over the communication channel, wherein the first request identifies bandwidth requirements; receiving a second request from a second one of the multiple communication sources, before or after receiving the first request, to establish a new non-real-time data transmission connection or voice transmission connection over the communication channel, wherein the second request identifies bandwidth requirements; and in response to the receipt of the first request, allocating resources of the communication channel to the first one of the multiple communication sources in accordance with the bandwidth requirements identified in the first request; and in response to the receipt of the second request, allocating resources of the communication channel to the second one of the multiple communication sources in accordance with the bandwidth requirements identified in the second request if sufficient resources remain in the communication channel to meet the bandwidth requirements identified in the second request, and otherwise allocating an amount of resources of the communication channel that is less than sufficient to meet the bandwidth requirement identified in the second request.

The prior further fails to teach a method of allocating the resources of a communication channel in a communication network between multiple communication sources, the method comprising the steps of: dividing the communication channel into a plurality of frames; dividing each of the frames into a plurality of slots; dividing a first one of the plurality of slots into a plurality of first mini-slots for use by the multiple communication sources to request the establishment of a new voice, data or video transmission connection over the communication channel; determining whether a video communication source of the multiple communication sources is currently assigned communication resources in the communication channel for an existing video connection; if it is determined that a video communication source is currently assigned communication resources in the communication channel for an existing video connection, dividing a second one of the plurality of slots into a plurality of second mini-slots for use by the multiple communication source to request the establishment of a new voice, data, or video transmission connection over the communication channel and for use by the video communication source to augment the existing video connection over the communication channel.



Art Unit: 2664

***Conclusion***

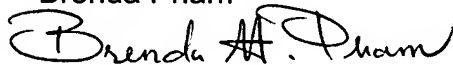
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brenda Pham whose telephone number is (571) 272-3135. The examiner can normally be reached on Monday-Friday from 9:00 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin, can be reached on (571) 272-3134.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2600.

July 11, 2005

Brenda Pham

A handwritten signature in cursive script that reads "Brenda A. Pham". The signature is written in dark ink and is positioned below the printed name "Brenda Pham".